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SUBJECT: STARVING DEMOCRACY: ELECTORAL LAW IMPASSE

REF: LA PAZ 496

Classified By: A/EcoPol Chief Brian Quigley for reasons 1.4 (b, d)

11. (C) Summary: As of 2:00pm April 9, President Evo Morales and his ruling Movement Toward Socialism (MAS) party has been unable to break a legislative deadlock with the opposition over passage of the constitutionally-mandated Electoral Transition Law (ETL), which will govern all aspects of upcoming national elections (reftel). In response, Morales and leaders of MAS-affiliated social groups have declared an indefinite hunger strike to demand approval of the law. Marathon negotiation sessions have yielded agreement on several core issues, but "non-negotiable" opposition demands for a completely new electoral roll have led to an impasse. Embassy sources say the opposition has realized it will lose the election in dramatic fashion without a radically different law and has adopted an "all or nothing" approach. While there are rumors Morales will use the opposition's intransigence to close Congress and move elections forward, nothing is certain at this point. End summary.

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Background
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12. (C) The new Bolivian constitution required Congressional passage by April 8 of a "transitional regime" to establish the rules for the December 6 election of the president, vice president, and members of the new "Plurinational Assembly." While both the lower house of Congress and the Senate passed significantly different versions of an Electoral Transition Law (ETL) by the deadline, they have not been able to reconcile the versions in Congress-wide negotiations. Although the ruling MAS party has an overall majority in the Congress, parliamentary rules require that both the lower house and the Senate reach quorums before voting on the reconciled bill can occur. The opposition-controlled Senate has refused to form a quorum, and has remained unified in the face of MAS attempts to recruit two opposition Senators to their side in order to force a vote.

13. (C) According to opposition analysts, the MAS version of the ETL included several elements designed to effectively

guarantee a two-thirds majority in the new Plurinational Assembly (reftel), and with it the ability to modify the constitution at will. As a result, opposition senators, led by Senate President Oscar Ortiz, have taken an "all or nothing" approach in reconciliation negotiations, demanding fundamental changes in the legislation.

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Negotiations Stalled
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¶4. (C) Sources inside the negotiations reported the MAS was prepared to give in to opposition demands on almost all fronts in order to get the law passed. A MAS proposal at dawn April 9 apparently included a reduction in the number of indigenous seats from 14 to eight, elimination of vetting requirements in the indigenous districts, a new electoral roll with biometric features for Bolivians living abroad, and a review of up to 30 percent of the domestic electoral roll. However, deep opposition suspicion of the electoral rolls led Senate President Ortiz to reject the deal. The opposition has called its demand for a completely new electoral roll "non-negotiable."

¶5. (U) In response, several media outlets reported that a massive walk-out by MAS representatives, followed by a siege by MAS-affiliated social groups and calls for the closure of Congress, was imminent. However, at this time none of these steps has materialized. Instead, President Morales announced he and members of MAS-affiliated labor and social groups would go on a hunger strike, "in defense of all those who approved the constitution" in a January 25 referendum and to call attention to the "anti-democratic" opposition. (Note: Morales was not the first to call a hunger strike. Opposition presidential candidate Rene Joaquin and members of his Social Alliance party began a hunger strike against the MAS legislation a day earlier, leading to dueling hunger strikes. In addition, Morales is not the first Bolivian president to go on a hunger strike. Presidents Siles Zuazo and Mesa also attempted to build public sympathies through hunger strikes, neither of which was successful. End note.)

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Whither the Siege?
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¶6. (C) While many expected a massive march and subsequent siege of Congress, some sources have told us the MAS somewhat surprisingly had neither the money, leadership, nor popular support necessary for such a march. In the past, Santos Ramirez would have organized such a protest or siege on Congress, but he has been expelled from the MAS. In addition, after word leaked that the MAS was ready to sacrifice the indigenous districts, many members of social groups felt betrayed and refused to march. Other sources disagree, noting the MAS is expert in organizing protests. They assert instead that Morales assessed that a march at this time would appear undemocratic and actually undermine his support.

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Comment
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¶7. (C) With their backs collectively to the wall, and memories of how their October 21 compromise on the new constitution's text came back to haunt them, the opposition has held firm in negotiations over the election law and forced a stalemate in negotiations. Instead of cooperating in the passage of a law that would spell their downfall, the opposition has essentially dared Morales to call elections by supreme decree. While Morales instead opted for a hunger strike to build public and international support for the MAS, no one doubts Morales has given up his other options. Still, with the predominantly catholic country coming to a standstill for Easter weekend, pressure is on for Morales to either strike a deal, coax (or buy) opposition votes, or close Congress and call for early elections. Post will

continue to monitor the situation.

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